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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,543	09/01/2000	Giuseppe Butturini	EHD9-2000-0078-US1	7301
5409	7590	05/17/2005	EXAMINER	
ARLEN L. OLSEN SCHMEISER, OLSEN & WATTS 3 LEAR JET LANE SUITE 201 LATHAM, NY 12110			STULBERGER, CAS P	
			ART UNIT	PAPER NUMBER
			2132	
DATE MAILED: 05/17/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/654,543

Applicant(s)

BUTTURINI ET AL.

Examiner

Cas Stulberger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/02/2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-20 and 27-33 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 21-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-20 and 27-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: application, filed 09/01/2000; amendment filed 03/02/2005.
2. Claims 1,3-20 and 27-33 are pending in the case. Claims 2, and 21-26 are cancelled. Claims 1, 11, 15, and 27 are independent claims.

Response to Arguments

3. Applicant argues that MacPherson does not teach and the Examiner has not provided any argument to show that MacPherson allegedly teaches the preceding feature of “providing an electronic assembly; enclosing the assembly in a tamper respondent wrap, such that the wrap forms fold lines at a first and second end of the assembly; forms fold lines at a first and second end of the assembly; placing the enclosed assembly in a fixture, wherein the fixture comprises a base upon which the assembly rests, a first stationary arm mounted on the base holding the fold lines at the first end of the assembly, a second arm slidably mounted on the base, and a traversing mechanism to bias the second arm toward the fold lines at the second end of the assembly.” All of the limitations are clearly pointed out in Figure 2 of MacPherson.
4. Applicant argues “that Macpherson teaches only that the sheet and laminate are laminated together via being heated at a temperature in a range of 60° to 80°C but most certainly does not teach that the electronic assembly is enclosed within the wrap during heating.” MacPherson discloses that in this example a keypad is the object within the enclosure. The enclosure is formed by first folding the laminate along various fold lines to define a box-shaped inner

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enclose. Adhesive is then provided at the overlapping edges to form secure overlaps. The adhesive coated sheet is then wrapped over the adhesive coated inner enclosure formed by the laminated (MacPherson: column 6, lines 31-44). The sheet and the laminate are then laminated together (MacPherson: column 7, lines 23-26). It would be physically impossible to heat the sheet and laminate to form the enclosure and then place the keypad inside the sealed enclosure. As disclosed by MacPherson the keypad (electronic assembly) is enclosed within the wrap during heating.

5. Applicant argues that MacPherson does not teach a circuit card as required by claim 15. MacPherson teaches a keypad (MacPherson: column 6, lines 31-33), which meets the limitation of a circuit card.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 3-8, 12-17, 19 and 27-31 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,539,379 to MacPherson.

8. In regards to claims 1, 5-6, 12, 15-17, 19 and 27-31, MacPherson discloses an enclosure with a base (24), a first arm (30), and a second arm (32) (MacPherson: figure 2). MacPherson also discloses a laser detect layer and a pierce detect layer (MacPherson: column 6, line 57). MacPherson discloses heating the enclosure (MacPherson: column 7, lines 23-26).

9. In regards to claims 3-4, 13-14, and 18, MacPherson discloses heating within a temperature range of 60° - 80° C after a time (MacPherson: column 7, lines 23-26).

10. In regards to claims 7, 8 and 19, MacPherson discloses a laser detect layer and pierce detect layer (MacPherson: column 6, line 57). This meets the limitation of “at least on pierce and laser respondent layer.” MacPherson also discloses a tamper detect layer of the laminate (MacPherson: column 6, line 59). This meets the limitation of “a delamination respondent layer.” MacPherson also discloses an adhesive (MacPherson: column 7, lines 4-7). This meets the limitation of “an adhesive between the pierce and laser respondent layer and the delamination respondent layer.”

11. In regards to claim 8, MacPherson discloses a semi-conductive ink (Macpherson: column 7, lines 6-10).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 9-11, 20, 32, 33 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,539,379 to MacPherson in view of U.S. Patent No 6,111,953 to Walker et al.

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14. In regards to claim 9-11, 20, 32, and 33, MacPherson discloses erasing information (MacPherson: column 1, line 9) MacPherson however does not disclose a cryptographic processor.

15. Walker however discloses a cryptographic processor is located within a tamper-resistant housing (Walker: column 3, lines 59-61).

16. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of creating a security enclosure as disclosed by MacPherson with the cryptographic processor as disclosed by Walker in order to make the circuit resistant to tampering (Walker: column 3, lines 10-11).

Conclusion


17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cas Stulberger whose telephone number is (571) 272-3810. The examiner can normally be reached on Monday - Friday, 9:00A.M. - 6:00P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CS


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